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100TH CONGRESS
2d Session

SENATE

REPORT
100-535

FOR THE RELIEF OF CERTAIN PERSONS IN RIVERSIDE COUNTY, CALIFORNIA, WHO PURCHASED LAND IN GOOD FAITH RELIANCE ON AN EXISTING PRIVATE LAND SURVEY

SEPTEMBER 22 (legislative day, SEPTEMBER 7), 1988.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 4050]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 4050) for the relief of certain persons in Riverside County, California, who purchased land in good faith reliance on an existing private land survey, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The bill is intended to resolve certain title problems of about 170 private landowners in Riverside County, CA, arising from apparent past surveying errors.

BACKGROUND AND NEED

In 1893 a contract surveyor evidently failed to properly tie a survey of certain lands abutting the Cleveland National Forest to earlier-surveyed township corners, probably because of a failure to locate the original monument corners. In 1955, a private surveyor resurveyed some of the same area, beginning with the incorrectly placed 1893 markers, which were 225 feet and 250 feet, respectively, away from the actual township corners. This was the first private survey in the area, and has been largely relied upon subsequently as the area has become settled and developed.

Because of these discrepancies between the private survey and the original Government survey (done in 1880), scores of private landowners are encroaching on lands in the Cleveland National

S313-66

Forest, resulting in a complex situation that cannot be resolved administratively.

The problem came to a head in 1982, when the Bureau of Land Management resurveyed this area and located the monumentation of the original 1880 survey. It produced a new, corrected map which affects the validity of the title claimed by certain landowners.

H.R. 4050 resolves this situation by providing that the relevant lines of the 1955 private survey are to be deemed the legal boundary survey of the area affected.

H.R. 4050 provides that the 1955 survey, as recorded in an appropriately referenced portion of the public records of Riverside County, CA, and as depicting the relevant portion of a specified township, is to be deemed the legal boundary survey of that portion of such township and therefore as representing the true location of the legal description as monumented and platted.

LEGISLATIVE HISTORY

H.R. 4050 passed the House on June 20, 1988. A hearing was held before the Subcommittee on Public Lands, National Parks and Forests on August 2, 1988.

At the business meeting on Wednesday, September 14, 1988, the Senate Committee on Energy and Natural Resources ordered H.R. 4050, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 14, 1988, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 4050, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski*	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 4050. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 4050, as reported.

EXECUTIVE COMMUNICATIONS

On July 14, 1988, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 4050. These reports had not been received at the time the report on H.R. 4050 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the appropriate agency at the Subcommittee hearing follows:

STATEMENT OF ROLAND G. ROBISON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT

I appreciate the opportunity to appear here today to discuss H.R. 4050.

H.R. 4050 would provide that the boundary survey of a portion of Township 6 South, Range 4 West, San Bernardino Meridian, California, which was conducted in 1955 by Hugh M. Gallaher and Leo C. Carroll of Albert A. Webb Associates shall be deemed the legal boundary survey of that portion of the township and shall represent the true location of the legal descriptions as monumented and platted.

We favor enactment of H.R. 4050.

The bill would provide a solution to a land ownership problem stemming from a private survey that relied on the wrong set of corner monuments on the south boundary of the Township, which were fraudently established by a surveyor under contract with the Federal Government. Because of discrepancies between the private survey and the original government survey, scores of private landowners are encroaching on lands in the Cleveland National Forest, resulting in a complex situation that cannot be resolved adminis-

tratively. Correcting the results of the error in the private survey would be a monumental task and an extremely expensive process.

We recognize that this type of legislation may send the wrong message to private surveyors that Congress will rectify situations in which they improperly locate boundaries of private land. However, in this instance, the trade-offs between loss and gain on the part of the United States would be about equal and the inaccurate corner monuments were fraudulently established by a surveyor under contract with the Federal Government.

This concludes my statement. I will be pleased to respond to any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill H.R. 4050, as reported.

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